

109TH CONGRESS
1ST SESSION

S. 243

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2005

Referred to the Committee on Resources

AN ACT

To establish a program and criteria for National Heritage Areas in the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “National Heritage Areas Partnership Act”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes.
- Sec. 3. Definitions.
- Sec. 4. National Heritage Areas system.
- Sec. 5. Studies.
- Sec. 6. Designation of National Heritage Areas.
- Sec. 7. Management plans.
- Sec. 8. Local coordinating entities.
- Sec. 9. Relationship to other Federal agencies.
- Sec. 10. Private property and regulatory protections.
- Sec. 11. Partnership support.
- Sec. 12. Authorization of appropriations.

3 **SEC. 2. PURPOSES.**

4 The purposes of this Act are—

5 (1) to promote public understanding, apprecia-
 6 tion, and enjoyment of many places, events and peo-
 7 ple that have contributed to the story of the United
 8 States;

9 (2) to promote innovative and partnership-driv-
 10 en management strategies that recognize regional
 11 values, encourage locally tailored resource steward-
 12 ship and interpretation, and provide for the effective
 13 leveraging of Federal funds with other local, State,
 14 and private funding sources;

15 (3) to unify national standards and processes
 16 for conducting feasibility studies, designating a sys-
 17 tem of National Heritage Areas, and approving
 18 management plans for National Heritage Areas;

19 (4) to provide appropriate linkages between
 20 units of the National Park System and communities,

1 governments, and organizations within National
2 Heritage Areas; and

3 (5) to provide financial and technical assistance
4 to National Heritage Area local coordinating entities
5 that act as a catalyst for diverse regions, commu-
6 nities, organizations, and citizens to undertake
7 projects and programs for collaborative resource
8 stewardship and interpretation.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) LOCAL COORDINATING ENTITY.—The term
12 “local coordinating entity” means the entity des-
13 ignated by Congress—

14 (A) to develop, in partnership with others,
15 the management plan for a National Heritage
16 Area; and

17 (B) to act as a catalyst for the implemen-
18 tation of projects and programs among diverse
19 partners in the National Heritage Area.

20 (2) MANAGEMENT PLAN.—The term “manage-
21 ment plan” means the plan prepared by the local co-
22 ordinating entity for a National Heritage Area des-
23 ignated by Congress that specifies actions, policies,
24 strategies, performance goals, and recommendations

1 to meet the goals of the National Heritage Area, in
2 accordance with section 7.

3 (3) NATIONAL HERITAGE AREA.—The term
4 “National Heritage Area” means an area designated
5 by Congress that is nationally important to the her-
6 itage of the United States and meets the criteria es-
7 tablished under section 5(a).

8 (4) NATIONAL IMPORTANCE.—The term “na-
9 tional importance” means possession of—

10 (A) unique natural, historical, cultural,
11 educational, scenic, or recreational resources of
12 exceptional value or quality; and

13 (B) a high degree of integrity of location,
14 setting, or association in illustrating or inter-
15 preting the heritage of the United States.

16 (5) PROPOSED NATIONAL HERITAGE AREA.—
17 The term “proposed National Heritage Area” means
18 an area under study by the Secretary or other par-
19 ties for potential designation by Congress as a Na-
20 tional Heritage Area.

21 (6) SECRETARY.—The term “Secretary” means
22 the Secretary of the Interior.

23 (7) STUDY.—The term “study” means a study
24 conducted by the Secretary, or conducted by 1 or
25 more other interested parties and reviewed by the

1 Secretary, in accordance with the criteria and proc-
2 esses established under section 5, to determine
3 whether an area meets the criteria to be designated
4 as a National Heritage Area by Congress.

5 (8) SYSTEM.—The term “system” means the
6 system of National Heritage Areas established under
7 section 4(a).

8 **SEC. 4. NATIONAL HERITAGE AREAS SYSTEM.**

9 (a) IN GENERAL.—In order to recognize certain
10 areas of the United States that tell nationally important
11 stories and to protect, enhance, and interpret the natural,
12 historic, scenic, and cultural resources of the areas that
13 together illustrate significant aspects of the heritage of the
14 United States, there is established a system of National
15 Heritage Areas through which the Secretary shall provide
16 technical and financial assistance to local coordinating en-
17 tities to support the establishment, development, and con-
18 tinuity of the National Heritage Areas.

19 (b) SYSTEM.—The system of National Heritage
20 Areas shall be composed of—

21 (1) National Heritage Areas established by
22 Congress before or on the date of enactment of this
23 Act; and

1 (2) National Heritage Areas established by
2 Congress after the date of enactment of this Act, as
3 provided for in this Act.

4 (c) RELATIONSHIP TO THE NATIONAL PARK SYS-
5 TEM.—

6 (1) RELATIONSHIP TO NATIONAL PARK
7 UNITS.—The Secretary shall—

8 (A) ensure, to the maximum extent prac-
9 ticable, participation and assistance by units of
10 the National Park System located near or en-
11 compassed by National Heritage Areas in local
12 initiatives for National Heritage Areas that
13 conserve and interpret resources consistent with
14 an approved management plan; and

15 (B) work with National Heritage Areas to
16 promote public enjoyment of units of the Na-
17 tional Park System and park-related resources.

18 (2) APPLICABILITY OF LAWS.—National Herit-
19 age Areas shall not be—

20 (A) considered to be units of the National
21 Park System; or

22 (B) subject to the laws applicable to units
23 of the National Park System.

24 (d) DUTIES.—Under the system, the Secretary
25 shall—

1 (1)(A) conduct studies, as directed by Congress,
2 to assess the suitability and feasibility of designating
3 proposed National Heritage Areas; or

4 (B) review and comment on studies undertaken
5 by other parties to make such assessment;

6 (2) provide technical and financial assistance,
7 on a reimbursable or non-reimbursable basis (as de-
8 termined by the Secretary), for the development and
9 implementation of management plans for designated
10 National Heritage Areas;

11 (3) enter into cooperative agreements with in-
12 terested parties to carry out this Act;

13 (4) provide information, promote under-
14 standing, and encourage research on National Herit-
15 age Areas in partnership with local coordinating en-
16 tities;

17 (5) provide national oversight, analysis, coordi-
18 nation, and technical and financial assistance and
19 support to ensure consistency and accountability
20 under the system;

21 (6) submit annually to the Committee on Re-
22 sources of the House of Representatives and the
23 Committee on Energy and Natural Resources of the
24 Senate a report describing the allocation and ex-
25 penditure of funds for activities conducted with re-

1 spect to National Heritage Areas under this Act;
2 and

3 (7)(A) conduct an evaluation and prepare a re-
4 port on the accomplishments, sustainability, and rec-
5 ommendations for the future of each designated Na-
6 tional Heritage Area 3 years before cessation of
7 Federal funding for the area under section 12; and

8 (B) submit a report on the findings of the eval-
9 uation to the Committee on Resources of the House
10 of Representatives and the Committee on Energy
11 and Natural Resources of the Senate.

12 **SEC. 5. STUDIES.**

13 (a) CRITERIA.—In conducting or reviewing a study,
14 the Secretary shall apply the following criteria to deter-
15 mine the suitability and feasibility of designating a pro-
16 posed National Heritage Area:

17 (1) An area—

18 (A) has an assemblage of natural, historic,
19 cultural, educational, scenic, or recreational re-
20 sources that together are nationally important
21 to the heritage of the United States;

22 (B) represents distinctive aspects of the
23 heritage of the United States worthy of recogni-
24 tion, conservation, interpretation, and con-
25 tinuing use;

1 (C) is best managed as such an assemblage
2 through partnerships among public and private
3 entities at the local or regional level;

4 (D) reflects traditions, customs, beliefs,
5 and folklife that are a valuable part of the her-
6 itage of the United States;

7 (E) provides outstanding opportunities to
8 conserve natural, historical, cultural, or scenic
9 features;

10 (F) provides outstanding recreational or
11 educational opportunities; and

12 (G) has resources and traditional uses that
13 have national importance.

14 (2) Residents, business interests, nonprofit or-
15 ganizations, and governments (including relevant
16 Federal land management agencies) within the pro-
17 posed area are involved in the planning and have
18 demonstrated significant support through letters and
19 other means for National Heritage Area designation
20 and management.

21 (3) The local coordinating entity responsible for
22 preparing and implementing the management plan is
23 identified.

24 (4) The proposed local coordinating entity and
25 units of government supporting the designation are

1 willing and have documented a significant commit-
2 ment to work in partnership to protect, enhance, in-
3 terpret, fund, manage, and develop resources within
4 the National Heritage Area.

5 (5) The proposed local coordinating entity has
6 developed a conceptual financial plan that outlines
7 the roles of all participants (including the Federal
8 Government) in the management of the National
9 Heritage Area.

10 (6) The proposal is consistent with continued
11 economic activity within the area.

12 (7) A conceptual boundary map has been devel-
13 oped and is supported by the public and partici-
14 pating Federal agencies.

15 (b) CONSULTATION.—In conducting or reviewing a
16 study, the Secretary shall consult with the managers of
17 any Federal land within the proposed National Heritage
18 Area and secure the concurrence of the managers with the
19 findings of the study before making a determination for
20 designation.

21 (c) APPROVAL.—On completion or receipt of a study
22 for a National Heritage Area, the Secretary shall—

23 (1) review, comment on, and determine if the
24 study meets the criteria specified in subsection (a)
25 for designation as a National Heritage Area;

1 (2) consult with the Governor of each State in
2 which the proposed National Heritage Area is lo-
3 cated; and

4 (3) transmit to the Committee on Resources of
5 the House of Representatives and the Committee on
6 Energy and Natural Resources of the Senate, the
7 study, including—

8 (A) any comments received from the Gov-
9 ernor of each State in which the proposed Na-
10 tional Heritage Area is located; and

11 (B) a finding as to whether the proposed
12 National Heritage Area meets the criteria for
13 designation.

14 (d) DISAPPROVAL.—If the Secretary determines that
15 any proposed National Heritage Area does not meet the
16 criteria for designation, the Secretary shall include within
17 the study submitted under subsection (c)(3) a description
18 of the reasons for the determination.

19 **SEC. 6. DESIGNATION OF NATIONAL HERITAGE AREAS.**

20 (a) IN GENERAL.—The designation of a National
21 Heritage Area shall be—

22 (1) by Act of Congress; and

23 (2) contingent on the prior completion of a
24 study and an affirmative determination by the Sec-

1 retary that the area meets the criteria established
2 under section 5(a).

3 (b) COMPONENT OF THE SYSTEM.—Any National
4 Heritage Area designated under subsection (a) shall be a
5 component of the system.

6 **SEC. 7. MANAGEMENT PLANS.**

7 (a) REQUIREMENTS.—The management plan for any
8 National Heritage Area shall—

9 (1) describe comprehensive policies, goals, strat-
10 egies, and recommendations for telling the story of
11 the heritage of the area covered by the National
12 Heritage Area and encouraging long-term resource
13 protection, enhancement, interpretation, funding,
14 management, and development of the National Her-
15 itage Area;

16 (2) include a description of actions and commit-
17 ments that governments, private organizations, and
18 citizens will take to protect, enhance, interpret, fund,
19 manage, and develop the natural, historical, cultural,
20 educational, scenic, and recreational resources of the
21 National Heritage Area;

22 (3) specify existing and potential sources of
23 funding or economic development strategies to pro-
24 tect, enhance, interpret, fund, manage, and develop
25 the National Heritage Area;

1 (4) include an inventory of the natural, histor-
2 ical, cultural, educational, scenic, and recreational
3 resources of the National Heritage Area related to
4 the national importance and themes of the National
5 Heritage Area that should be protected, enhanced,
6 interpreted, managed, funded, and developed;

7 (5) recommend policies and strategies for re-
8 source management, including the development of
9 intergovernmental and interagency agreements to
10 protect, enhance, interpret, fund, manage, and de-
11 velop the natural, historical, cultural, educational,
12 scenic, and recreational resources of the National
13 Heritage Area;

14 (6) describe a program for implementation for
15 the management plan, including—

16 (A) performance goals;

17 (B) plans for resource protection, enhance-
18 ment, interpretation, funding, management, and
19 development; and

20 (C) specific commitments for implementa-
21 tion that have been made by the local coordi-
22 nating entity or any government agency, organi-
23 zation, business, or individual;

24 (7) include an analysis of, and recommenda-
25 tions for, means by which Federal, State, and local

1 programs may best be coordinated (including the
2 role of the National Park Service and other Federal
3 agencies associated with the National Heritage
4 Area) to further the purposes of this Act; and

5 (8) include a business plan that—

6 (A) describes the role, operation, financing,
7 and functions of the local coordinating entity
8 and of each of the major activities contained in
9 the management plan; and

10 (B) provides adequate assurances that the
11 local coordinating entity has the partnerships
12 and financial and other resources necessary to
13 implement the management plan for the Na-
14 tional Heritage Area.

15 (b) DEADLINE.—

16 (1) IN GENERAL.—Not later than 3 years after
17 the date on which funds are first made available to
18 develop the management plan after designation as a
19 National Heritage Area, the local coordinating entity
20 shall submit the management plan to the Secretary
21 for approval.

22 (2) TERMINATION OF FUNDING.—If the man-
23 agement plan is not submitted to the Secretary in
24 accordance with paragraph (1), the local coordi-
25 nating entity shall not qualify for any additional fi-

1 nancial assistance under this Act until such time as
2 the management plan is submitted to and approved
3 by the Secretary.

4 (c) APPROVAL OF MANAGEMENT PLAN.—

5 (1) REVIEW.—Not later than 180 days after re-
6 ceiving the plan, the Secretary shall review and ap-
7 prove or disapprove the management plan for a Na-
8 tional Heritage Area on the basis of the criteria es-
9 tablished under paragraph (3).

10 (2) CONSULTATION.—The Secretary shall con-
11 sult with the Governor of each State in which the
12 National Heritage Area is located before approving
13 a management plan for the National Heritage Area.

14 (3) CRITERIA FOR APPROVAL.—In determining
15 whether to approve a management plan for a Na-
16 tional Heritage Area, the Secretary shall consider
17 whether—

18 (A) the local coordinating entity represents
19 the diverse interests of the National Heritage
20 Area, including governments, natural and his-
21 toric resource protection organizations, edu-
22 cational institutions, businesses, recreational or-
23 ganizations, community residents, and private
24 property owners;

25 (B) the local coordinating entity—

1 (i) has afforded adequate opportunity
2 for public and governmental involvement
3 (including through workshops and hear-
4 ings) in the preparation of the manage-
5 ment plan; and

6 (ii) provides for at least semiannual
7 public meetings to ensure adequate imple-
8 mentation of the management plan;

9 (C) the resource protection, enhancement,
10 interpretation, funding, management, and de-
11 velopment strategies described in the manage-
12 ment plan, if implemented, would adequately
13 protect, enhance, interpret, fund, manage, and
14 develop the natural, historic, cultural, edu-
15 cational, scenic, and recreational resources of
16 the National Heritage Area;

17 (D) the management plan would not ad-
18 versely affect any activities authorized on Fed-
19 eral land under public land laws or land use
20 plans;

21 (E) the local coordinating entity has dem-
22 onstrated the financial capability, in partner-
23 ship with others, to carry out the plan;

24 (F) the Secretary has received adequate
25 assurances from the appropriate State and local

1 officials whose support is needed to ensure the
2 effective implementation of the State and local
3 elements of the management plan; and

4 (G) the management plan demonstrates
5 partnerships among the local coordinating enti-
6 ty, Federal, State, and local governments, re-
7 gional planning organizations, nonprofit organi-
8 zations, or private sector parties for implemen-
9 tation of the management plan.

10 (4) DISAPPROVAL.—

11 (A) IN GENERAL.—If the Secretary dis-
12 approves the management plan, the Secretary—

13 (i) shall advise the local coordinating
14 entity in writing of the reasons for the dis-
15 approval; and

16 (ii) may make recommendations to the
17 local coordinating entity for revisions to
18 the management plan.

19 (B) DEADLINE.—Not later than 180 days
20 after receiving a revised management plan, the
21 Secretary shall approve or disapprove the re-
22 vised management plan.

23 (5) AMENDMENTS.—

24 (A) IN GENERAL.—An amendment to the
25 management plan that substantially alters the

1 purposes of the National Heritage Area shall be
2 reviewed by the Secretary and approved or dis-
3 approved in the same manner as the original
4 management plan.

5 (B) IMPLEMENTATION.—The local coordi-
6 nating entity shall not use Federal funds au-
7 thorized by this Act to implement an amend-
8 ment to the management plan until the Sec-
9 retary approves the amendment.

10 **SEC. 8. LOCAL COORDINATING ENTITIES.**

11 (a) DUTIES.—To further the purposes of the Na-
12 tional Heritage Area, the local coordinating entity shall—

13 (1) prepare a management plan for the Na-
14 tional Heritage Area, and submit the management
15 plan to the Secretary, in accordance with section 7;

16 (2) submit an annual report to the Secretary
17 for each fiscal year for which the local coordinating
18 entity receives Federal funds under this Act, speci-
19 fying—

20 (A) the specific performance goals and ac-
21 complishments of the local coordinating entity;

22 (B) the expenses and income of the local
23 coordinating entity;

24 (C) the amounts and sources of matching
25 funds;

1 (D) the amounts leveraged with Federal
2 funds and sources of the leveraging; and

3 (E) grants made to any other entities dur-
4 ing the fiscal year;

5 (3) make available for audit for each fiscal year
6 for which the local coordinating entity receives Fed-
7 eral funds under this Act, all information pertaining
8 to the expenditure of the funds and any matching
9 funds; and

10 (4) encourage economic viability and sustain-
11 ability that is consistent with the purposes of the
12 National Heritage Area.

13 (b) AUTHORITIES.—For the purposes of preparing
14 and implementing the approved management plan for the
15 National Heritage Area, the local coordinating entity may
16 use Federal funds made available under this Act to—

17 (1) make grants to political jurisdictions, non-
18 profit organizations, and other parties within the
19 National Heritage Area;

20 (2) enter into cooperative agreements with or
21 provide technical assistance to political jurisdictions,
22 nonprofit organizations, Federal agencies, and other
23 interested parties;

24 (3) hire and compensate staff, including individ-
25 uals with expertise in—

1 (A) natural, historical, cultural, edu-
2 cational, scenic, and recreational resource con-
3 servation;

4 (B) economic and community development;
5 and

6 (C) heritage planning;

7 (4) obtain funds or services from any source,
8 including other Federal laws or programs;

9 (5) contract for goods or services; and

10 (6) support activities of partners and any other
11 activities that further the purposes of the National
12 Heritage Area and are consistent with the approved
13 management plan.

14 (c) PROHIBITION ON ACQUISITION OF REAL PROP-
15 erty.—The local coordinating entity may not use Federal
16 funds authorized under this Act to acquire any interest
17 in real property.

18 **SEC. 9. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

19 (a) IN GENERAL.—Nothing in this Act affects the au-
20 thority of a Federal agency to provide technical or finan-
21 cial assistance under any other law.

22 (b) CONSULTATION AND COORDINATION.—The head
23 of any Federal agency planning to conduct activities that
24 may have an impact on a National Heritage Area is en-
25 couraged to consult and coordinate the activities with the

1 Secretary and the local coordinating entity to the max-
2 imum extent practicable.

3 (c) OTHER FEDERAL AGENCIES.—Nothing in this
4 Act—

5 (1) modifies, alters, or amends any law or regu-
6 lation authorizing a Federal agency to manage Fed-
7 eral land under the jurisdiction of the Federal agen-
8 cy;

9 (2) limits the discretion of a Federal land man-
10 ager to implement an approved land use plan within
11 the boundaries of a National Heritage Area; or

12 (3) modifies, alters, or amends any authorized
13 use of Federal land under the jurisdiction of a Fed-
14 eral agency.

15 **SEC. 10. PRIVATE PROPERTY AND REGULATORY PROTEC-**
16 **TIONS.**

17 Nothing in this Act—

18 (1) abridges the rights of any property owner
19 (whether public or private), including the right to re-
20 frain from participating in any plan, project, pro-
21 gram, or activity conducted within the National Her-
22 itage Area;

23 (2) requires any property owner to permit pub-
24 lic access (including access by Federal, State, or
25 local agencies) to the property of the property

1 owner, or to modify public access or use of property
2 of the property owner under any other Federal,
3 State, or local law;

4 (3) alters any duly adopted land use regulation,
5 approved land use plan, or other regulatory author-
6 ity of any Federal, State or local agency, or conveys
7 any land use or other regulatory authority to any
8 local coordinating entity;

9 (4) authorizes or implies the reservation or ap-
10 propriation of water or water rights;

11 (5) diminishes the authority of the State to
12 manage fish and wildlife, including the regulation of
13 fishing and hunting within the National Heritage
14 Area; or

15 (6) creates any liability, or affects any liability
16 under any other law, of any private property owner
17 with respect to any person injured on the private
18 property.

19 **SEC. 11. PARTNERSHIP SUPPORT.**

20 (a) TECHNICAL ASSISTANCE.—On termination of the
21 15-year period for which assistance is provided under sec-
22 tion 12, the Secretary may, on request of a local coordi-
23 nating entity, continue to provide technical assistance to
24 a National Heritage Area under section 4.

25 (b) GRANT ASSISTANCE.—

1 (1) IN GENERAL.—The Secretary may establish
2 a grant program under which the Secretary provides
3 grants, on a competitive basis, to local coordinating
4 entities for the conduct of individual projects at Na-
5 tional Heritage Areas for which financial assistance
6 has terminated under section 12.

7 (2) CONDITIONS.—The provision of a grant
8 under paragraph (1) shall be subject to the condition
9 that—

10 (A) a project must be approved by the
11 local coordinating entity as promoting the pur-
12 poses of the management plan required under
13 section 7;

14 (B) a project may receive only 1 grant of
15 no more than \$250,000 in any 1 fiscal year;

16 (C) a maximum of \$250,000 may be re-
17 ceived by a local coordinating entity for projects
18 funded under this subsection in any 1 fiscal
19 year; and

20 (D) a project shall not be eligible for fund-
21 ing under this section in any fiscal year that a
22 local coordinating entity receives an appropria-
23 tion through the National Park Service (exclud-
24 ing technical assistance) for the National Herit-

1 age Area at which the project is being con-
2 ducted.

3 (c) REPORT.—For each fiscal year in which assist-
4 ance is provided under this section, the Secretary shall
5 submit to the Committee on Appropriations of the House
6 of Representatives and the Committee on Appropriations
7 of the Senate a list of the projects provided assistance for
8 the fiscal year.

9 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) STUDIES.—There is authorized to be appro-
11 priated to conduct and review studies under section 5
12 \$750,000 for each fiscal year, of which not more than
13 \$250,000 for any fiscal year may be used for any indi-
14 vidual study for a proposed National Heritage Area.

15 (b) LOCAL COORDINATING ENTITIES.—

16 (1) IN GENERAL.—There is authorized to be
17 appropriated to carry out section 8 \$25,000,000 for
18 each fiscal year, of which not more than—

19 (A) \$1,000,000 may be made available for
20 any fiscal year for any individual National Her-
21 itage Area, to remain available until expended;
22 and

23 (B) a total of \$10,000,000 may be made
24 available for all such fiscal years for any indi-
25 vidual National Heritage Area.

1 (2) TERMINATION DATE.—

2 (A) IN GENERAL.—The authority of the
3 Secretary to provide financial assistance to an
4 individual local coordinating entity under this
5 section (excluding technical assistance and ad-
6 ministrative oversight) shall terminate on the
7 date that is 15 years after the date of the ini-
8 tial receipt of the assistance by the local coordi-
9 nating entity.

10 (B) DESIGNATION.—A National Heritage
11 Area shall retain the designation as a National
12 Heritage Area after the termination date pre-
13 scribed in subparagraph (A).

14 (3) ADMINISTRATION.—Not more than 5 per-
15 cent of the amount of funds made available under
16 paragraph (1) for a fiscal year may be used by the
17 Secretary for technical assistance, oversight, and ad-
18 ministrative purposes.

19 (c) HERITAGE PARTNERSHIP GRANT ASSISTANCE.—
20 There is authorized to be appropriated to the Secretary
21 to carry out section 11 \$5,000,000 for each fiscal year.

22 (d) MATCHING FUNDS.—

23 (1) IN GENERAL.—As a condition of receiving a
24 grant under this Act, the recipient of the grant shall

1 provide matching funds in an amount that is equal
2 to the amount of the grant.

3 (2) ADMINISTRATION.—The recipient matching
4 funds—

5 (A) shall be derived from non-Federal
6 sources; and

7 (B) may be made in the form of in-kind
8 contributions of goods or services fairly valued.

Passed the Senate July 26, 2005.

Attest: EMILY J. REYNOLDS,
Secretary.